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Ontario Human Rights Commission

Racial Harassment and Comments about a Person's Race

This publication tells you what to do if someone harrasses you because of your race.

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Ontario
Human Rights
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"Le harcelement racial et les remarques concernant la race d'une personne"

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This publication does not provide legal advice or opinions. If you have any questions, you should contact the Ontario Human Rights Commission. The addresses and telephone numbers of our 15 offices are on pages 9 and 10.

Racial Harassment and Comments about a Person's Race is available in different versions including:

- IBM-compatible computer disk
- audio tape
- large print
- spiral binding.

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What Is Harassment?

Harassment means someone is bothering, threatening or insulting you by saying or doing things that you do not want or welcome. Harassment is wrong because it hurts people. It makes living and working together very difficult.

What Is Racial Harassment?

Racial harassment means someone is bothering you, threatening you or treating you unfairly because of your:

- race
- colour
- citizenship
- place of origin (where you were born)
- ancestry
- ethnic background
- creed (religion and race are often linked).

It is against the law for anyone to harass you, insult you or treat you unfairly because of any of these reasons.

Racial harassment can happen, for example, when someone:

- makes racial slurs or jokes
- ridicules or insults you
- displays cartoons or pictures degrading members of a particular racial group or religion
- calls you names because of your race, colour, citizenship, place of origin, ancestry, ethnic background or creed.

The *Ontario Human Rights Code* protects you from racial harassment or discrimination where you work, live or get a service such as in restaurants, hotels, hospitals and schools. The *Code* also protects you from such discrimination when you sign a contract or join a union, trade or vocational association.

If you feel you have been harassed or treated unfairly because of your race, colour, citizenship, place of origin, ancestry, ethnic background or creed by:

- your employer
- another worker
- your superintendent, building manager or owner
- someone working for your superintendent or building manager
- another person living in your building
- someone giving you a service, such as a salesperson, nurse or teacher
- someone in your union or vocational association

you should try to tell that person to stop. Speak to the person's boss or tell your union representative, if it happens at work. Or you can complain directly to the Ontario Human Rights Commission.

Racial Jokes or Slurs

Racial harassment can also happen when someone at work makes a "joke" about your race or colour. Or a person living in your apartment building insults you because of where you were born.

Even if they are made "in fun", such "jokes" or insulting remarks can offend you and others. The person **should know** that you do not want or welcome such "jokes" or remarks.

> For example, your teacher may make you feel uncomfortable by joking with you all the time about your accent. Or your apartment building manager may tease you about the clothes you wear because of your religion or culture.

When you tell that person that you do not like or want to hear the "jokes" or remarks, he or she must stop saying these things right away. Even if it is not possible for you to tell the person to stop, the racial jokes or slurs may still be a form of racial harassment.

Remember that the person harassing you is wrong. It is that person's behaviour that must change, not yours.

What Is a Poisoned Environment?

Racial harassment can have a bad effect on, or **poison** the places where you live, work or get a service.

> For example, your employer, superintendent or bank manager makes negative remarks about people of your race or culture. You and other people of your race would probably not like living or working in that place, or doing business in that bank

> Someone puts racist or offensive signs, pictures, cartoons or graffiti in your workplace, apartment building or public library. You would probably find it unpleasant to work or live in that place or use that library.

Racial slurs or jokes, even when they are not about, or directed towards you or a specific employee, tenant or customer, can also **poison** the environment. The insults are wrong and hurtful, even if you or members of the insulted group are not there to hear them.

> For example, the owner of a restaurant or your child's teacher makes racial remarks or jokes about certain ethnic groups. Even if those remarks were not aimed directly at you or your ethnic group, they are still a type of discrimination and can **poison** the environment.

A poisoned environment is a form of racial harassment and is against the law.

Preventing Racial Slurs or Jokes and Racial Harassment

Under the *Ontario Human Rights Code*, employers, contractors, professional associations, unions and people who provide housing and services, are responsible for what their employees say or do. They can do many things to prevent racial slurs or harassment. They can:

- develop an easy-to-understand policy on racial harassment and post it in places where everyone can see it;
- give a copy of their policy on racial harassment to all new employees and managers;
- use organization or tenant newsletters to make everyone aware of the policy on racial harassment;
- post *Ontario Human Rights Code* cards everywhere;
- educate union officials, shop stewards and members about racial harassment and what to do if it happens;
- discuss racial harassment at union or tenant meetings;
- take a strong position by letting all employees, tenants, union members or users of their service know that racial slurs, jokes or harassment will not be tolerated;
- indicate that they will discipline anyone who harasses or discriminates against another person because of her or his race, colour, citizenship, place of origin, ancestry, ethnic background or creed;
- set up a system in the workplace to deal with complaints about racial harassment.

The Ontario Human Rights Commission has a publication, *Guidelines for Internal Human Rights Complaint Resolution Procedures,* to help organizations deal with complaints about racial harassment.

What Can You Do If Someone Harasses You Because of Your Race?

- Be prepared. It is always helpful to think about what you might do if it happens to you. You may be able to react better.
- Tell the person to stop, if possible. You can say:

  " I don't want you to do that."

  " Stop bothering me."

  " That's not funny."

  " Stop doing that."
- Even if it is not possible for you to tell the person to stop, it may still be considered racial harassment.
- Write down the answers to the following questions:

  "What happened?"

  "Where did it happen?"

  "What was said and who said it?"

  "When did it happen?"

  "Who saw what happened?"

  "What did you do at that time?"
- If another worker, tenant or client harasses you, complain to the supervisor, superintendent or building manager, or person who provides the service.
- If your supervisor harasses you, complain to someone in a higher position than your supervisor, such as the owner.
- If you are a member of a union, tell your steward or representative.
- If your workplace has a policy on harassment, use it.

- If your employer, building manager, or someone such as a store owner harasses you and you don't know where to get help, contact the Ontario Human Rights Commission directly.

It is a good idea to complain in writing. You should include all details and ask for a written response. Keep a copy of your complaint and any responses you get. If the person does not stop harassing you, complain directly to the Ontario Human Rights Commission.

How Do You Make a Complaint to the Ontario Human Rights Commission?

It is against the law for people in authority, such as your employer, building manager or owner, or teacher, to punish or harass you for going to the Ontario Human Rights Commission with a complaint about racial slurs, jokes or harassment. And, they cannot harass you for being a witness for someone else who makes a complaint, or for helping the Commission investigate a complaint.

For example, your employer cannot fire you because you make a complaint. Or your building manager cannot legally refuse to fix your apartment if you help another tenant make a complaint to the Commission.

The complaint

You can make your complaint at any office of the Ontario Human Rights Commission. Telephone or visit our office, and tell us what happened.

A complaint to the Commission is confidential. This information is not available to the public. However, the Commission will send a copy of your complaint to the person you complained about. As well, if your complaint goes to a Board of Inquiry, it may be made public.

We will investigate your complaint and try to settle it. For more information about filing a complaint, get a copy of our publication, *If you have a Human Rights Complaint.*

Where Can You Get Help and More Information?

The Ontario Human Rights Commission has offices in 15 cities in Ontario. To get help or more information, call or visit one of these offices from Monday to Friday. The addresses and telephone numbers of our offices are on the next pages.

Ontario Human Rights Commission

400 University Avenue, Toronto, Ontario M7A 2R9
Tel: (416) 314-4500 or TDD: (416) 314-4535

Address all correspondence to your closest Regional Office:

Hamilton
110 King Street West
Suite 310
Hamilton, L8P 4S6
Tel.: (905) 521-7870
1-800-263-9344
TDD: (905) 546-8278

Kenora
227 2nd Street South
3rd Floor
Kenora, P9N 1G1
Tel.: (807) 468-2866

Kingston
80 Queen Street
Suite 202
Kingston, K7K 6W7
Tel.: (613) 548-6750
1-800-461-2958
TDD: (800) 267-5755

Kitchener
824 King Street West
Suite 101
Kitchener, N2G 1G1
Tel.: (519) 571-6078
1-800-263-9525

London
231 Dundas Street
Suite 303
London, N6A 1H1
Tel.: (519) 661-6600
1-800-268-8333
TDD: (519) 661-0544

Mississauga
1290 Central Parkway West
3rd Floor
Mississauga, L5C 4R3
Tel.: (905) 273-7811
1-800-268-2808
TDD: (905) 273-6648

Ottawa
255 Albert Street
Suite 401
Ottawa, K1P 6A9
Tel.: (613) 232-0489
1-800-661-0228
TDD: (613) 232-3909

Sault Ste. Marie
390 Bay Street
3rd Floor
Sault Ste. Marie, P6A 1X2
Tel.: (705) 942-8417
1-800-461-0551

Scarborough
10 Milner Business Court
Suite 404
Scarborough, M1B 3C6
Tel.: (416) 314-3555
1-800-268-6585
TDD: (416) 314-3572

St. Catharines
1 St. Paul Street
Suite 603
St. Catharines, L2R 7L4
Tel.: (905) 684-7406
1-800-263-4916
TDD: (905) 684-1103

Sudbury
159 Cedar Street
2nd Floor
Sudbury, P3E 6A5
Tel.: (705) 670-7222
1-800-461-6259
TDD: (705) 675-6392

Thunder Bay
28 North Cumberland St.
Suite 403
Thunder Bay, P7A 4K9
Tel.: (807) 343-6003
1-800-465-8996

Timmins
210 Spruce St. South
Suite 103
Timmins, P4N 2M5
Tel.: (705) 268-2838
1-800-461-7863

Toronto Central
595 Bay Street
4th Floor
Toronto, M5G 2C2
Tel.: (416) 326-9511
TDD: (416) 326-9669

Windsor
215 Eugenie Street West
Suite 100
Windsor, N8X 2X7
Tel.: (519) 973-1370
1-800-263-1604
TDD: (519) 966-8237

Toll-Free Long Distance:

If you live outside the local area, but within the area code, call the number listed under 1-800.